

Public Document Pack

Gareth Owens LL.B Barrister/Bargyfreithiwr
Chief Officer (Governance)
Prif Swyddog (Llywodraethu)



CS/NG

27 January 2022

Sharon Thomas 01352 702324
sharon.b.thomas@flintshire.gov.uk

To: Cllr David Wisinger (Chairman)

Councillors: Mike Allport, Bernie Attridge,
Chris Bithell, Derek Butler, Chris Dolphin,
Ian Dunbar, Veronica Gay, Gladys Healey,
Patrick Heesom, Christine Jones,
Richard Jones, Richard Lloyd, Ted Palmer,
Mike Peers, Neville Phillips and Owen Thomas

Dear Sir / Madam

NOTICE OF REMOTE MEETING
PLANNING COMMITTEE
WEDNESDAY, 2 FEBRUARY, 2022 at 1.00 PM

Yours faithfully

Gareth Owens
Chief Officer (Governance)

Please note: This will be a remote meeting. The meeting will be live streamed onto the Council's website. A recording of the meeting will also be available shortly after the meeting at <https://flintshire.public-i.tv/core/portal/home>

If you have any queries regarding this, please contact a member of the Democratic Services Team on 01352 702345.

AGENDA

1 **APOLOGIES**

2 **DECLARATIONS OF INTEREST**

3 **LATE OBSERVATIONS**

4 **MINUTES** (Pages 5 - 8)

To confirm as a correct record the minutes of the meeting held on 12 January 2022.

5 **ITEMS TO BE DEFERRED**

6 **REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)**

The reports of the Chief Officer (Planning, Environment & Economy) are enclosed.

REPORTS OF CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY) TO PLANNING COMMITTEE ON 2 FEBRUARY 2022

Item No	File Reference	DESCRIPTION
<u>Applications reported for determination (A = reported for approval, R= reported for refusal)</u>		
6.1	063337 – A	Erection of small luxury boarding kennels (12 units total) at Brookside, Black Mountain, Nercwys, Mold (Pages 9 - 28)
6.2		Section 42 Consultation of the Planning Act 2008 - HyNet North West Pipeline and Carbon Capture Storage Project (Pages 29 - 46)

Please note that there may be a 10 minute adjournment of this meeting if it lasts longer than two hours

Procedural Note on the conduct of meetings

The Chair will open the meeting and introduce themselves.

The meeting will be attended by a number of Councillors. Officers will also be in attendance to present reports, with Democratic Services officers acting as hosts of the meeting.

All attendees are asked to ensure their mobile phones are switched off and that any background noise is kept to a minimum.

All microphones are to be kept muted during the meeting and should only be unmuted when invited to speak by the Chair. When invitees have finished speaking they should go back on mute.

To indicate to speak, Councillors will use the chat facility or use the electronic raise hand function. The chat function may also be used for questions, relevant comments and officer advice and updates.

The Chair will call the speakers, with elected Members addressed as 'Councillor' and officers addressed by their job title e.g. Chief Executive' or name. From time to time, the officer advising the Chair will explain procedural points or suggest alternative wording for proposals, to assist the Committee.

If and when a vote is taken, the Chair will explain that only those who oppose the proposal(s), or who wish to abstain will need to indicate, using the chat function. The officer advising the Chair will indicate whether the proposals are carried.

If a more formal vote is needed, this will be by roll call – where each Councillor will be asked in turn (alphabetically) how s/he wishes to vote

At County Council and Planning Committee meetings speaker's times are limited. A bell will be sounded to alert that the speaker has one minute remaining

The meeting will be live streamed onto the Council's website. A recording of the meeting will also be available, shortly after the meeting at <https://flintshire.public-i.tv/core/portal/home>

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PLANNING COMMITTEE **12TH JANUARY 2022**

Minutes of the meeting of the Planning Committee of Flintshire County Council held remotely on Wednesday, 12th January 2022

PRESENT: Councillor David Wisinger (Chairman)

Councillors: Mike Allport, Chris Bithell, Derek Butler, Chris Dolphin, Ian Dunbar, Veronica Gay, Gladys Healey, Patrick Heesom, Christine Jones, Richard Jones, Richard Lloyd, Ted Palmer, Mike Peers, Neville Phillips and Owen Thomas.

APOLOGIES: Councillor Bernie Attridge

IN ATTENDANCE:

Chief Officer (Planning, Environment & Economy), Development Manager, Team Leader – Planning, Planning Officers, Senior Engineer - Highways Development Control, Solicitor - Legal Services, and Team Leader - Democratic Services

Prior to the start of the meeting, the Chair sent best wishes on behalf of the Committee to Andy Roberts and Gary Nancarrow.

The Chair welcomed Matthew Parry-Davies who was the new Development Manager.

43. DECLARATIONS OF INTEREST

None.

44. LATE OBSERVATIONS

The Chairman allowed Members an opportunity to read the late observations which had been circulated prior to the meeting and were appended to the agenda on the Flintshire County Council website:

<https://committeemeetings.flintshire.gov.uk/documents/s69162/12th%20Jan%202022%20late%20obs.pdf?LLL=0>

45. MINUTES

The minutes of the meeting held on 15th December 2021 were confirmed as a correct record, as moved and seconded by Councillors Dunbar and Lloyd.

RESOLVED:

That the minutes be approved as a true and correct record.

46. ITEMS TO BE DEFERRED

No items were recommended for deferral.

47. REPORTS OF THE CHIEF OFFICER (PLANNING, ENVIRONMENT & ECONOMY)

RESOLVED:

That the decision be recorded as shown on the Planning Application schedule attached as an appendix.

48. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

On commencement of the meeting, there was one member of the public in attendance.

(The meeting started at 1.00pm and ended at 2.29pm)

.....
Chairman

Meetings of the Planning Committee are webcast and can be viewed by visiting the webcast library at: <http://flintshire.public-i.tv/core/portal/home>

PLANNING COMMITTEE ON 12TH JANUARY 2022

ITEM NO	TOWN/ COMMUNITY COUNCIL	SITE/PROPOSAL	THIRD PARTY / LOCAL MEMBER OBSERVATIONS	RESOLUTION
063496	Argoed Community Council	Full Application – demolition of the existing Argoed High School buildings and provision of a new school campus including nursery, primary and secondary school provision and associated school sports facilities and associated infrastructure.	The agent, Natalie Quefferus, spoke in support of the application. A statement against the application was read out during the meeting on behalf of Jennifer Sharp.	That planning permission be granted subject to the conditions set out in the report, in accordance with the officer's recommendation.

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **02 FEBRUARY 2022**

REPORT BY: **CHIEF OFFICER (PLANNING, ENVIRONMENT AND ECONOMY)**

SUBJECT: **PROPOSED CONSTRUCTION OF 12 BOARDING KENNELS**

APPLICATION NUMBER: **063337**

APPLICANT: **MR & Ms HOLLAND**

SITE: **BROOKSIDE, BLACK MOUNTAIN, NERCWYS, FLINTSHIRE**

APPLICATION VALID DATE: **09/08/2021**

LOCAL MEMBERS: **COUNCILLOR C THOMAS**

COMMUNITY COUNCIL: **TREUDDYN COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **LOCAL MEMBER REQUESTS COMMITTEE DETERMINATION TO ASSESS IMPACT UPON LOCAL RESIDENTS AND HIGHWAY NETWORK**

SITE VISIT: **NO**

1.00 SUMMARY

- 1.01 This full planning application seeks consent for the erection of a detached kennel building and associated development on land to the east of the existing detached dwelling Brookside, Black Mountain, Nercwys .It is proposed to be located behind an existing stable block on the frontage of the site and adjacent to the existing riding arena at the rear of the site . The site is in open countryside, outside the Clwydian Range Area of Outstanding Natural Beauty, but adjacent to its boundary.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-

2.01 Proposed conditions:

1. Time on commencement of development
2. In accordance with approved plans
3. Limit number of dogs on site to 12
4. Kennel building to be acoustically insulated and ventilated in accordance with noise report
5. The acoustic fence to be constructed on the north boundary in accordance with conclusions noise assessment report
6. Only 1 dog to be walked at any one time between 09.00- 17.00
7. Landscaping scheme to be submitted and approved in writing
8. Details of external lighting to be submitted and approved in writing to conserve the dark sky designation and the nocturnal wildlife.

3.00 CONSULTATIONS

3.01 Local Member

Councillor C Thomas

Request Planning Committee_determination. Preliminary concerns relate to

- a) inappropriate location for kennel business
- b) impact on_tranquillity of Area Of Outstanding Natural Beauty and
- c) inadequacy of access/ highway drainage

Treuddyn Community Council

Object on following grounds:

- a) conflict with livestock
- b) effect on tranquillity of Area Of Outstanding Natural Beauty
- (c) inadequacy of access
- d) adverse impact on wildlife
- e) appropriateness of sites use for commercial development and
- f) over development of the site.

Highway Development Control Manager

No objection and do not intend to make a recommendation on highway grounds

Clwydian Range Area of Outstanding Natural Beauty (AONB)
(Joint Advisory Committee)

The application site is outside the designated Area of Outstanding Natural Beauty (AONB) but as it is adjacent to the boundary, it is considered to be within the setting of the protected landscape.

Whilst not disputing the principle of the development, The Joint Advisory Committee requested the submission of amended plans to address initial concerns and the use of sympathetic materials .As a result raise no objection subject to imposition of conditions including lighting.

Do however register concerns that the boarding kennels have the potential to impact on the local tranquillity by virtue of noise disturbance and the potential traffic implications will also be significant factors in the consideration of the proposal.

Community and Business Protection

Following submission of a noise assessment and management plan do not considered that the scale of development proposed will have an adverse impact on the living conditions of the occupiers of nearby properties. Recommend that any permission be subject to conditions limiting numbers of dogs on site / exercised at one time , the kennel building being acoustically insulated and the installation of acoustic fencing.

Welsh Water/Dwr Cymru

As the applicant intends utilising an alternative to mains drainage – advice should be sought from Natural Resources Wales (NRW) on acceptability of drainage scheme.

Natural Resources Wales (NRW)

NRW sought clarification that the foul drainage would be less than 2 cubic meters day. This was confirmed by the applicant who also confirmed that the disposal of solid animal waste is proposed to be removed from the site by a specialist company, Pet Waste Solutions. In light of this clarification NRW have no objection to the proposal. It is however noted that the site is within the River Dee and Bala Lake Special Area of Conservation (SAC), but the application submitted is unlikely to increase the amount of phosphorus entering the catchment NRW are satisfied that the proposal is not likely to have a significant effect on the River Dee SAC.

Airbus

No aerodrome safeguarding objection

4.00 PUBLICITY

4.01 Neighbour Letter Notification

14 letters of objection received, (some being multiple letters from same address points) the main points of which can be summarised as follows;

- previous application for stables on the site refused
- impact on living conditions of occupiers of existing properties in proximity to the site
- do not consider that the use will be beneficial to local residents
- noise impacts cannot be ameliorated at all times
- highway network not suitable for exercising of dogs
- proposal will lead to increased pressure for further expansion.

- impact upon Area of Outstanding Natural Beauty (AONB)
- methodology and conclusions of Noise Assessment questioned

5.00 SITE HISTORY

058236 Stable block private use Approved 12.10.18
 043890 Stable block /menage part in retrospect Refused 3.3.08
 043893 Extension to dwelling Approved 16.10.07
 042025 Extension to dwelling Approved 09.11.06
 019919 Alteration to roof Approved 07.07.92

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR 1 - New Development
 GEN1 - General Requirements for Development
 GEN3 - Development in the Open Countryside
 AC 13 Access and Traffic Impact
 AC18 Parking Provision and New Development
 D2 Design
 L2 Area of Outstanding Natural Beauty
 EWP13 – Nuisance
 RE 4 Rural Enterprises

Supplementary Planning Guidance Notes (SPGN)

SPGN8 – Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) 2018
 SPGN 11 - Parking Standards

National Planning Policies

Planning Policy Wales (PPW) - Edition 11 (February 2021)
 Future Wales The Development Plan 2040
 Technical Advice Note (TAN) No 11 Noise

7.00 PLANNING APPRAISAL

7.01 Introduction

Brookside is an existing detached property located within the open countryside to the north west of the village settlement of Nercwys. The site is outside but adjacent to the boundary of the Clwydian Range Area of Outstanding Natural Beauty (AONB).

7.02 The dwelling and its associated curtilage is located in proximity to a small number of detached residential properties namely Ty Gwyn to the west, Tyddyn Uchaf to the north and Gaer Faen Farm to the north east. Ty Gwyn is the nearest property to the application site, being approximately 105m from the proposed kennel building.

Proposed Development

- 7.03 The plans, which have been amended since initial submission, propose the erection of a detached 12 bay kennel building with internal exercise area, and associated office and toilet facility.
- 7.04 The building is proposed to be sited approximately 61m to the east of the existing dwelling Brookside, and behind an existing stable block and adjacent to an existing outside riding arena. It would measure approximately 27m x 12m x 4m (high), and be constructed having timber faced external walls and a metal sheeted roof.
- 7.05 Access to the site would be derived from the existing access that serves the dwelling and equestrian uses with parking available within the site curtilage. The equestrian uses on the site are solely for private purposes by the applicant.

Main Planning Considerations

- 7.06 The main planning considerations to be taken into account in determination of this application are:-
- a) the principle of development
 - b) impact of development on the character of the site /wider landscape
 - c) impact on living conditions of occupiers of nearby properties
 - d) adequacy of access

The principle of development

- 7.07 The guidance offered in Planning Policy Wales Edition 11 is generally permissive of development which is appropriate to an open countryside location.
- 7.08 This guidance is reiterated in the Flintshire Unitary Development Plan by virtue of policies STR1 , GEN1 and GEN3 which are permissive of development that is considered essential to have an open countryside location , providing that the development harmonises with the site and its surroundings and where it is considered that it will not have a significant adverse impact upon the living conditions of nearby residents .The proposed development should also provide access and parking provision which is not detrimental to highway safety in compliance with policies AC 13 and AC1 8 of the Flintshire Unitary Development Plan .

Impact of Development on the character of the site and wider landscape.

- 7.09 As referenced, the application site is located in the open countryside, and also adjacent to the boundary of the Clwydian Range Area of Outstanding Natural Beauty (AONB). In accord with the planning policy framework, the impact of development on the inherent

character of the landscape and special qualities such as tranquillity requires careful assessment.

- 7.10 For Members information, amended plans have been submitted, at the request of the AONB Joint Advisory Committee in order to secure the introduction of timber faced block external walls, to achieve a more vernacular appearance.
- 7.11 The site already has development upon it by virtue of stables to the front of the site and a riding arena measuring approximately 20m x 40 m to the rear of the site. The kennel building is proposed to be located adjacent to the riding arena, being set at a lower level than the riding arena which is enclosed by a 2m high landscape bund This helps to screen the development and help assimilate it both into the site and wider landscape at this location.
- 7.12 The proposed kennel building is a detached low profile pitched roof building 4m in height, 27 m in length and 12m wide. The land to the rear is characterised by open fields enclosed by a mixture of mature hedgerow inclusive of some mature trees. This helps to assimilate the development into the site and wider surroundings. The kennel building is not skyline development or prominent in relation to the frontage of the site or its access.
- 7.13 Having regard to the above, it is considered that the use of materials, and an acceptable scheme of lighting as requested by the AONB Committee, in addition to the requirement for additional landscaping, can be secured by the imposition of conditions, if Members are mindful to support the application.
- 7.14 Impact on Living Conditions of nearby occupiers
Due to the nature of this application consultation has been undertaken with the Council's Community and Business Protection Department, in order to assess the potential noise generation from the proposed use and its operation upon the living conditions of nearby residents.
- 7.15 In progression of the application a noise assessment report and noise management plan have been submitted in support of the proposed development. In response Community and Business Protection have confirmed that the noise assessment provided demonstrates that the scale of operations and noise associated with the proposed use, will not have an adverse impact upon the living conditions of occupiers of nearby residential properties. As such there is no objection to the proposal subject to the imposition of conditions to:
- i) limit the number of dogs on site an any given time to a maximum of 12

- ii) the kennel building being acoustically insulated and ventilation being installed in line with the recommendations of the noise assessment and report
- iii) the acoustic fence along the boundary of the site being constructed in accordance with the recommendations of the noise report; and
- iv) dogs being exercised individually .

7.16 The conclusion and methodology of the noise assessment report has however been questioned by a third party and this has been raised with Community and Business Protection who have confirmed that the methodology and findings of the report are acceptable if conditioned as referenced above.

7.17 Whilst concern has been raised with regard to the noise of barking dogs adversely impacting upon the tranquillity of the local area of the Area of Outstanding Natural Beauty, it is considered that most people using the Area of Outstanding Natural Beauty would be for exercise and leisure purposes, and would be passing through the area, therefore any noise would be of a transient nature.

Adequacy of Access

7.18 As part of the consideration of the application the Highway Development Control Manager has assessed the adequacy of the highway network, the access and the parking provision for the site and its use as a boarding kennels. The Highway Authority has raised no objection to the proposal and has advised that they do not intend to make a recommendation of highway grounds, as such the proposal is considered to be compliant with the provisions of policies GEN1, AC13 and AC 18 of the Flintshire Unitary Development Plan and the guidance offered in Supplementary Planning Guidance Note No 11 Parking.

Other matters

7.19 Concerns have been raised with regards to development on the site, as some of this development had already taken place at the time of the submission of this application. The stable block and riding arena submitted as application 043890 was refused in 2003. The refusal was not challenged at appeal and now by virtue of the length of time that has lapsed since its construction, it is immune from enforcement action. Concerns have been raised with regards to impacts of development upon wildlife, these are noted, however the site has no special wildlife designation. It is considered that development site clearance works already undertaken is unlikely to significantly impact upon wildlife.

7.20 Whilst it is noted that the site is within the catchment area of the River Dee and Bala Lake, Special Area of Conservation (SAC), Natural Resources Wales, confirm no direct or indirect impacts as a result of development.

7.21 It is anticipated that exercising of the dogs will be undertaken within a designated area, prohibiting free run of the adjoining countryside, Nocturnal wildlife would be safeguarded by a lighting scheme, details of which would be conditioned to be submitted to and approved in writing by the Local Planning Authority, in compliance with the Dark Sky Guidance.

8.00 CONCLUSION

The change of use and erection of the kennel building is considered to be an appropriate use in the open countryside. It has been demonstrated that subject to the recommendations of the noise assessment / management plan submitted in support of this application, that the proposal will not significantly adversely impact upon the living conditions of nearby residents or the Area of Outstanding Natural Beauty. The surrounding highway network, access and parking arrangements are appropriate, suitable and safe for the proposed use. The location, scale and design of the kennel building will not be prominent in the landscape. Landscaping can assimilate the development in to the plot and the surrounding countryside, as such the proposal is considered to be compliant with national guidance, the planning policies of the Flintshire Unitary Development Plan and the Supplementary Planning Guidance, as referenced above and it is recommend to grant conditional permission.

8.01 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

8.02 The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

8.03 The Council has had due regard to its public sector equality duty under the Equality Act 2010.

8.04 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

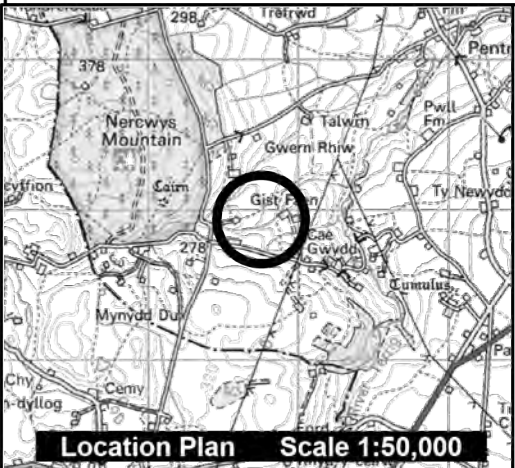
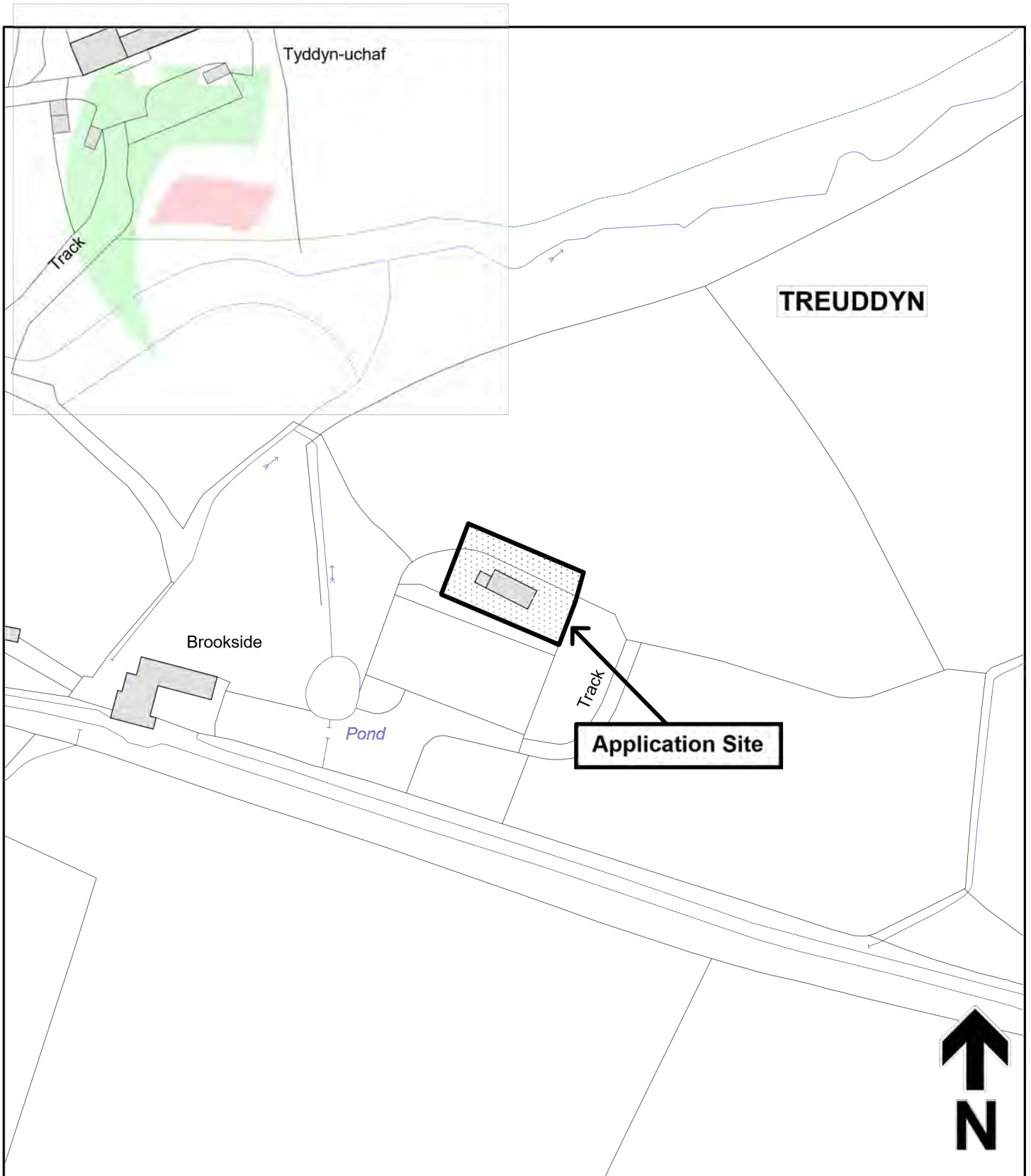
Responses to Publicity

Contact Officer: Barbara Kinnear

Telephone: 01352 703260



Email: Barbara.kinnear@flintshire.gov.uk

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Planning, Environment & Economy,
 Flintshire County Council, County Hall,
 Mold, Flintshire, CH7 6NF.
 Chief Officer: Mr Andrew Farrow

Legend

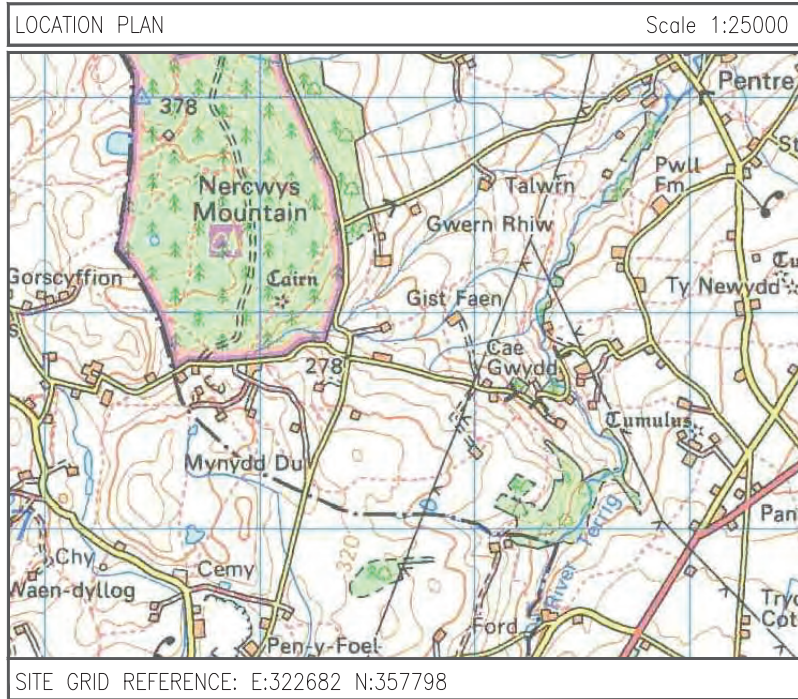
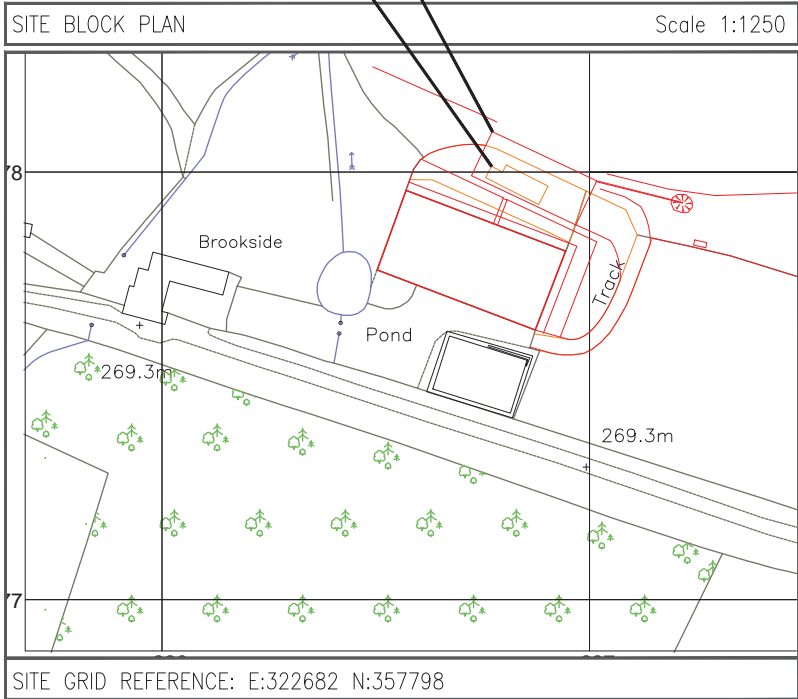
-  Planning Application Site
-  Adopted Flintshire Unitary Development Plan Settlement Boundary

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Map Scale	1:1250
OS Map ref	SJ 2257
Planning Application	63337

LOCATION OF PROPOSED BUILDING SHOWN RED

ELEMENTS TO BE REMOVED SHOWN YELLOW



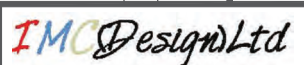
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OS Promap 1:1250 scale
 OCT. 2020, Lic No. 100023432
www.landmark.co.uk/promap
 Dotted Eyes 1:25000 scale
 OCT. 2020, Lic No. 100019918

BLOCK / LOCATION PLAN			
E	CLADDING ADDED & COLOURS AMENDED	IMC	01.12.21
D	PARKING SPACES AMENDED	IMC	03.08.21
C	PARKING SPACES ADDED	IMC	30.07.21
B	WELDED MESH FENCE REMOVED	IMC	25.07.21
A	FIRST ISSUE	IMC	01.11.20
REV	DESCRIPTION OF REVISION	BY	DATE

MR & MISS HOLLAND
 BROOKSIDE, BLACK
 MOUNTAIN, NERCWYS, MOLD
 CH7 4BW



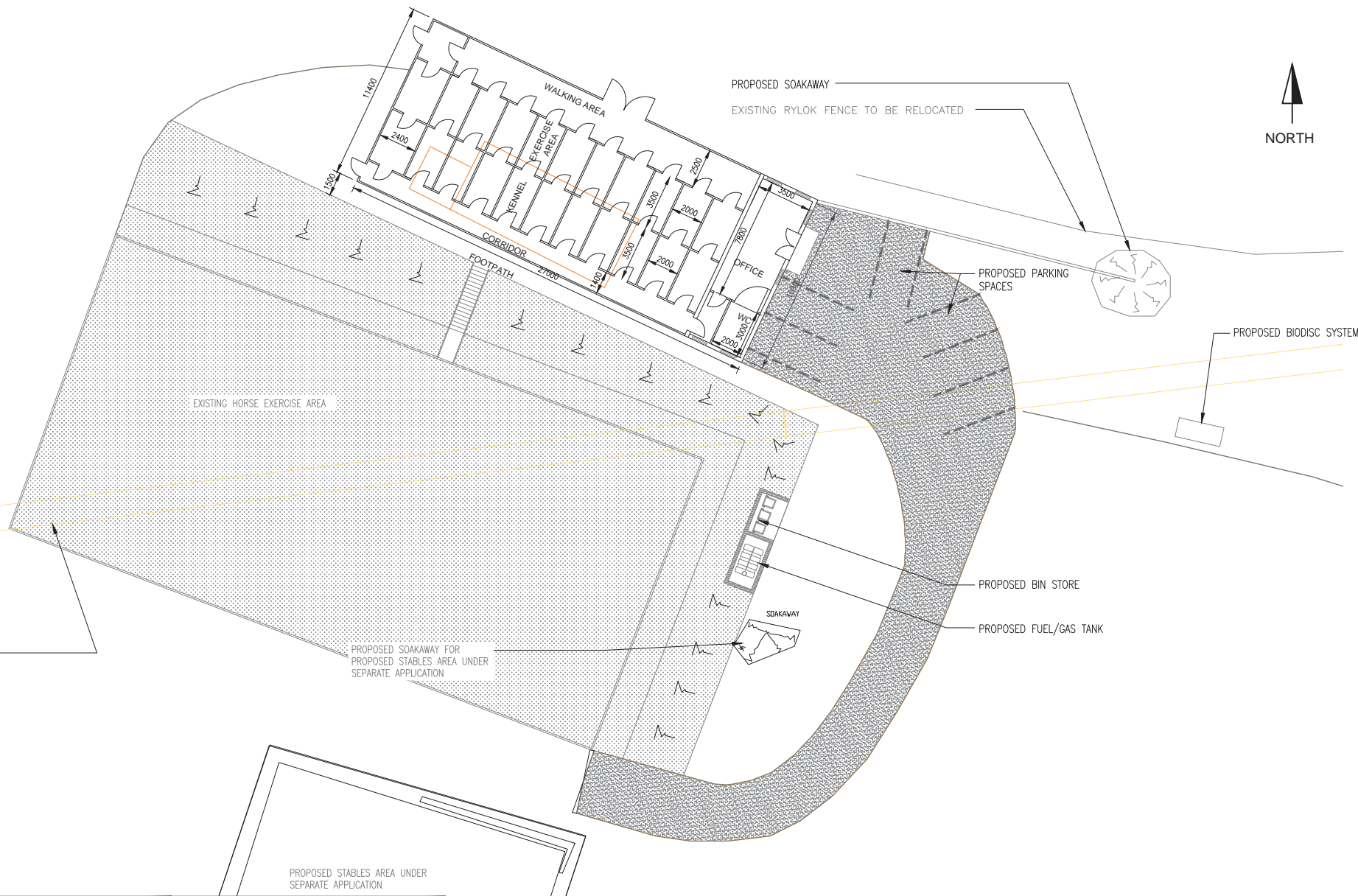
SCALE AS SHOWN WHEN PRINTED AT A3

DRAWN BY / DATE	CHECKED BY / DATE	APPROVED BY / DATE
AJS 01.11.20	IMC 01.11.20	RS 01.11.20

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PROPOSAL	SITE REF.	DRG TYPE	DRG No	REV
NEW KENNEL BLOCKS	IMC/RS 1001	PL	101	E



EXISTING OVERHEAD POWER LINES

REV	DESCRIPTION OF REVISION	BY	DATE
E	CLADDING ADDED & COLOURS AMENDED	IMC	01.12.21
D	PARKING SPACES AMENDED	IMC	03.08.21
C	PARKING SPACES ADDED	IMC	30.07.21
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PROPOSED SITE PLAN
 MR & MISS HOLLAND
 BROOKSIDE, BLACK
 MOUNTAIN, NERCWYS, MOLD
 CH7 4BW



SCALE AS SHOWN WHEN PRINTED AT A3

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PROPOSAL
NEW KENNEL BLOCKS

SITE REF.
IMC/RS 1001

DRG TYPE
PL

DRG No
102

REV
E



Page 22

REV	DESCRIPTION OF REVISION	BY	DATE
E	CLADDING ADDED & COLOURS AMENDED	IMC	01.12.21
D	PARKING SPACES AMENDED	IMC	03.08.21
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PROPOSED SITE PLAN
 MR & MISS HOLLAND
 BROOKSIDE, BLACK
 MOUNTAIN, NERCWYS, MOLD
 CH7 4BW



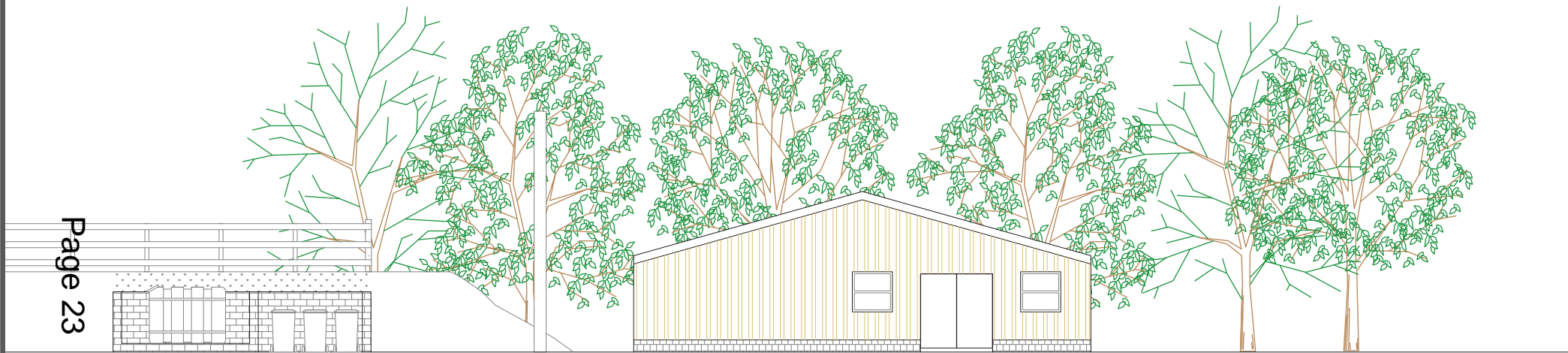
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PROPOSAL NEW KENNEL BLOCKS	SITE REF. IMC/RS 1001	DRG TYPE PL	DRG No 103	REV E
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REV	DESCRIPTION OF REVISION	BY	DATE
E	CLADDING ADDED & COLOURS AMENDED	IMC	01.12.21
D	PARKING SPACES AMENDED	IMC	03.08.21
C	PARKING SPACES ADDED	IMC	30.07.21
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PROPOSED SOUTH EAST ELEV.
 MR & MISS HOLLAND
 BROOKSIDE, BLACK
 MOUNTAIN, NERCWYS, MOLD
 CH7 4BW



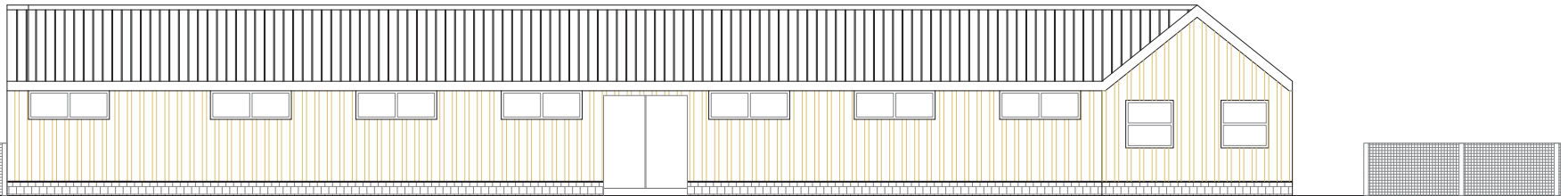
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AJS 01.11.20	IMC 01.11.20	RS 01.11.20

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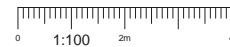
PROPOSAL	SITE REF.	DRG TYPE	DRG No	REV
NEW KENNEL BLOCKS	IMC/RS 1001	PL	104	E



REV	DESCRIPTION OF REVISION	BY	DATE
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PROPOSED SOUTH WEST ELEV.
 MR & MISS HOLLAND
 BROOKSIDE, BLACK
 MOUNTAIN, NERCWYS, MOLD
 CH7 4BW

PROPOSED SOUTH WEST ELEVATION



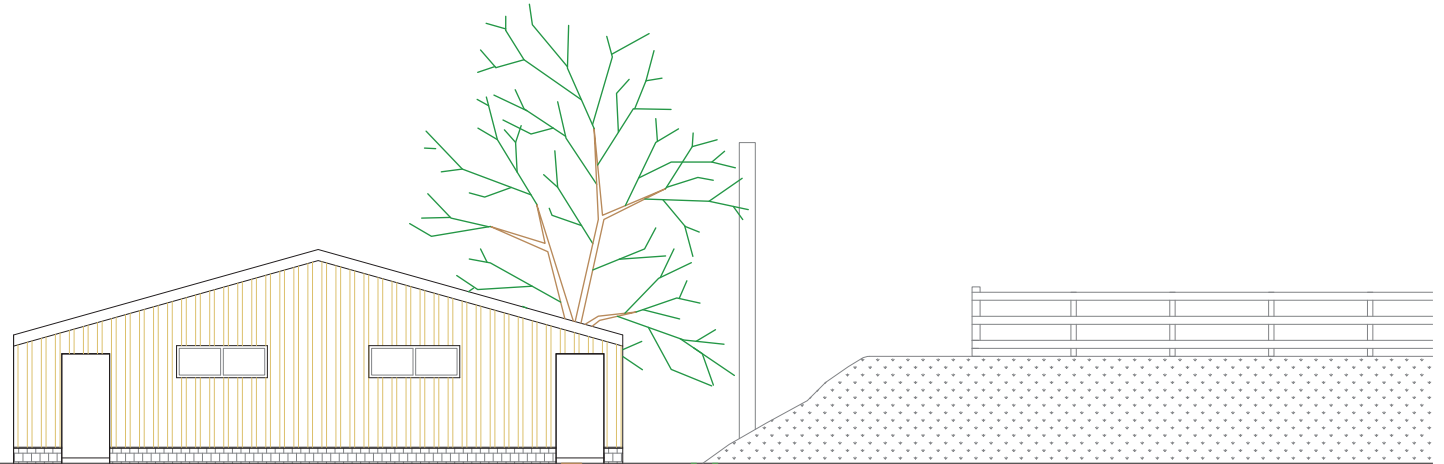
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PROPOSAL	SITE REF.	DRG TYPE	DRG No	REV
NEW KENNEL BLOCKS	IMC/RS 1001	PL	105	E



REV	DESCRIPTION OF REVISION	BY	DATE
E	CLADDING ADDED & COLOURS AMENDED	IMC	01.12.21
D	PARKING SPACES AMENDED	IMC	03.08.21
C	PARKING SPACES ADDED	IMC	30.07.21
B	WELDED MESH FENCE REMOVED	IMC	25.07.21
A	FIRST ISSUE	IMC	01.11.20

PROPOSED NORTH WEST ELEV.
 MR & MISS HOLLAND
 BROOKSIDE, BLACK
 MOUNTAIN, NERCWYS, MOLD
 CH7 4BW

PROPOSED NORTH WEST ELEVATION



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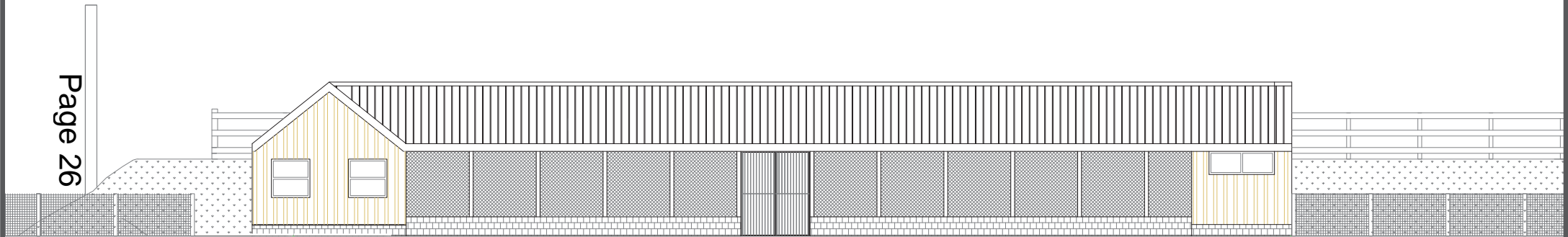
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PROPOSAL
NEW KENNEL BLOCKS

SITE REF.	DRG TYPE	DRG No	REV
IMC/RS 1001	PL	106	E



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B	WELDED MESH FENCE REMOVED	IMC	25.07.21
A	FIRST ISSUE	IMC	01.11.20

PROPOSED NORTH EAST ELEV.
 MR & MISS HOLLAND
 BROOKSIDE, BLACK
 MOUNTAIN, NERCWYS, MOLD
 CH7 4BW

PROPOSED NORTH EAST ELEVATION



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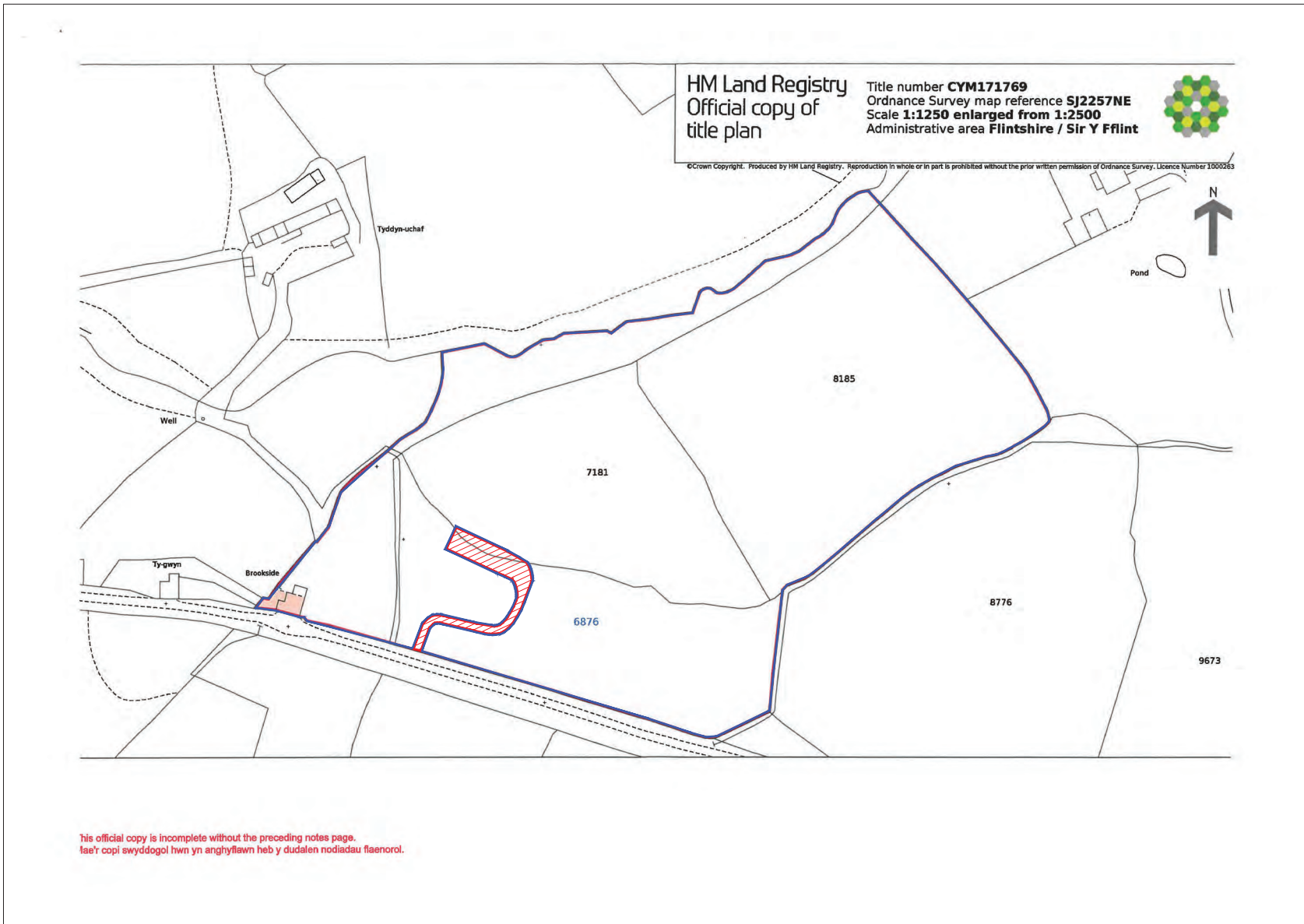
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PROPOSAL
 NEW KENNEL BLOCKS

SITE REF.
 IMC/RS 1001

DRG TYPE	DRG No	REV
PL	107	E



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B	WELDED MESH FENCE REMOVED	IMC	25.07.21
A	FIRST ISSUE	IMC	01.11.20

LAND OWNERSHIP	
MR & MISS HOLLAND	
BROOKSIDE, BLACK	
MOUNTAIN, NERCWYS, MOLD	
CH7 4BW	



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PROPOSAL	SITE REF.	DRG TYPE	DRG No	REV
NEW KENNEL BLOCKS	IMC/RS 1001	PL	108	E

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 2 FEBRUARY 2022**

REPORT BY: **CHIEF OFFICER (PLANNING, ENVIRONMENT AND ECONOMY)**

SUBJECT: **SECTION 42 CONSULTATION OF THE PLANNING ACT 2008 - HYPNET NORTH WEST PIPELINE AND CARBON CAPTURE STORAGE PROJECT**

1.00 REFERENCE NUMBER

1.01 A reference number will be assigned to the section 42 consultation when it is received on February 9th 2022.

2.00 SITE

2.01 Liverpool Bay CCS Limited (the Developer) is proposing to construct and install a new carbon dioxide pipeline between Ince, near Stanlow, (in Cheshire West and Chester) and Flint, and repurpose an existing natural gas pipeline between Flint and Talacre (this section of the pipeline is referred to as the 'Connah's Quay to Point of Ayr Pipeline'). This project is known as the HyNet North West Carbon Dioxide Pipeline.

2.02 A number of route options for the proposed new pipeline were presented within the Scoping Request and the non-statutory consultation that took place during the summer last year please refer to enclosures. However, the preferred single route will be presented when the Developer undertakes their statutory consultation in February 2022.

3.00 APPLICATION VALID DATE

3.01 The statutory consultation period is expected to commence for a period of six weeks from 9 February until 22 March 2022.

4.00 PURPOSE OF REPORT

4.01 The report seeks delegated authority to respond to the anticipated consultation that will be made under Section 42 of the 2008 Planning Act in relation to the proposed HyNet North West carbon dioxide pipeline.

- 4.02 The Council, will be offered the opportunity by the Developer to comment on the Preliminary Environmental Information Report (PEIR) and other supporting documents for the proposal.
- 4.03 Due to the limited timescales prescribed within the Planning Act 2008 to make a response on this consultation, it is necessary to raise the matter at Committee to seek a resolution from Planning Committee to permit officer's to respond to the consultation on behalf of the Council, as such responses are not a delegated function as stated within the Council's Scheme of Delegation.

5.00 BACKGROUND

- 5.01 Liverpool Bay CCS Limited is proposing that carbon dioxide produced by existing industrial premises and future hydrogen producing facilities in North West England and North Wales, will be transported for off-shore storage via a pipeline (comprising a new-build pipeline and reuse of an existing pipeline) to depleted natural gas reservoirs in Liverpool Bay. See project schematic Figure 1.
- 5.02 As the Proposed Development constitutes a Nationally Significant Infrastructure Project (NSIP), the Applicant must make an application under the Planning Act 2008 for a permission known as a Development Consent Order (DCO) to construct and operate the Proposed Development. As the DCO / NSIP process is not devolved to the Welsh Government, the DCO Application will be submitted to the Planning Inspectorate (England) (PINS) who will administer the DCO Application on behalf of the Secretary of State (SoS) for Business, Energy and Industrial Strategy (BEIS). A single inspector or a panel of inspectors will be appointed to examine the DCO Application and make a recommendation to the SoS, who will then make a decision on whether or not to grant development consent.
- 5.03 The Planning Act 2008 requires consultation with statutory and non-statutory consultees in advance of an application being made. The Local Planning Authority will also be consulted on the proposal. Also, there is a duty to consult with people living in the vicinity of the Proposed Development before an application is submitted. The applicant will prepare a Statement of Community Consultation which sets out how it will undertake consultation and provide details about how to take part and how feedback will be used to shape the proposed design and mitigation measures that might be required.
- 5.04 Liverpool Bay CCS Limited will soon be at the stage where it wishes to consult on its proposals with a number of interested parties. A suite of consultation materials will be produced to inform people about the Project and its likely impacts. These include a Preliminary Environmental Information Report (PEIR) and Non-technical summary, as well as a Statement of Community Consultation and Consultation Questionnaire.

- 5.05 The requirements for applications to the Secretary of State for a DCO are set out in the Planning Act 2008, the accompanying Regulations and subsequent guidance issued by the Planning Inspectorate who are responsible for administering the application process. Under Section 42 of the Planning Act, the applicant is required to undertake formal and statutory consultation with a prescribed list of bodies, local authorities and those people with an interest in the land, or whose properties may potentially be affected by the operation of the proposed Project. The Statutory Consultation period for the project is anticipated to take place from 9 February and will conclude on 22 March 2022.
- 5.06 The purpose of the PEIR is to set out the findings of the Environmental Impact Assessment (EIA) to date in support of the pre-application consultation required under the Planning Act 2008. The EIA will then be finalised following the consultation, and reported in the Environmental Statement (ES) which will accompany the DCO and marine licence applications which are also required (which will be made to NRW). The DCO and marine licence applications are anticipated to be submitted in the summer of 2022.
- 5.07 The PEIR provides statutory consultees (those proscribed under the requirements of Planning Act 2008, such as Natural Resources Wales and local authorities), non-statutory consultees, and the local community, with the information which has been assembled in order to carry out an assessment of the potential environmental effects of the HyNet North West Carbon Dioxide Pipeline project.
- 5.08 The PEIR establishes the existing environment using the results of desktop study, site-specific surveys and consultation, as well as the methodology used within the EIA. The PEIR presents the potential impacts arising from the proposed new carbon dioxide pipeline, based on the baseline information gathered and the analysis in environmental assessments completed. Based on the outcomes of assessment, the PEIR then puts forward any potential mitigation measures that could prevent, minimise, reduce or offset potentially significant adverse effects.
- The Proposal***
- 5.09 The proposed carbon dioxide pipeline would comprise of two parts: the construction of a new underground pipeline which would be used for the purposes of transporting carbon dioxide, which would then connect with the existing Connah's Quay to Point of Ayr natural gas pipeline in Flint. This existing natural gas pipeline would be repurposed to transport carbon dioxide to the Point of Ayr terminal where it would be processed and transported and stored in depleted natural gas reservoirs in Liverpool Bay.

- 5.10 During their non-statutory consultation, the developer identified potential routes of the new pipeline through a staged approach of research and studies. They firstly considered wide 'corridors' where the pipeline could be located. See Figure 2 enclosed.
- 5.11 They then assessed various options within these corridors, scoring them against a set of criteria, to identify two potential route options for consultation. See Figure 3 and also other enclosed maps showing the route that was proposed for the Scoping Report and the non-statutory consultation. The non-statutory consultation undertaken in summer 2021 looked to gather views from the public on these routes proposals.
- 5.12 The anticipated statutory consultation will present a preferred single route which will have taken into account the views gathered from the non-statutory consultation and the Scoping exercise.

Main Issues

- 5.13 The main issues which will be reported on within the PEIR will include the proposed effects of the underground carbon dioxide pipeline and any required mitigation in relation to; air quality, climate change, cultural heritage, ecology, biodiversity, land and soils, landscape and visual impact, materials, mineral safeguarding and waste, noise and vibration, population and human health, traffic and transport, water resources and flood risk and any cumulative effects with other projects.
- 5.14 When the Council are consulted on the PEIR, an internal consultation will take place, to gather the views on the technical information presented in order to finalise a response to the Section 42 Consultation on behalf of the Council.

6.00 RECOMMENDATIONS

- 6.01 That the final response on the Section 42 Consultation for the HyNet (Preliminary Environmental Information Report) be delegated to officers in consultation with key local members affected by the route of the proposed new carbon dioxide pipeline and the existing pipeline, that terminates at the Point of Ayr gas terminal.
- 6.02 Following the submission of the DCO application, which is expected during the Summer 2022, the Council will be consulted again and requested to produce a Local Impact Report. The Planning Committee will be notified again at this subsequent stage of the DCO application and will have a subsequent opportunity to comment on the proposal and the contents of the Local Impact Report produced by the Council in relation to the submission.

LIST OF BACKGROUND DOCUMENTS

Development Consent Order Scoping Report Documentation and PINS scoping Opinion can be found via the Flintshire Planning Portal using the reference 063069:
https://digital.flintshire.gov.uk/FCC_Planning/Home/Details?refno=063069

Details of the HyNet project are also available on the following websites: www.hynet.co.uk and <https://hynethub.co.uk/>

National & Local Planning Policy

Contact Officer: Hannah Parish
Telephone: 01352 703253
Email: hannah.parish@flintshire.gov.uk

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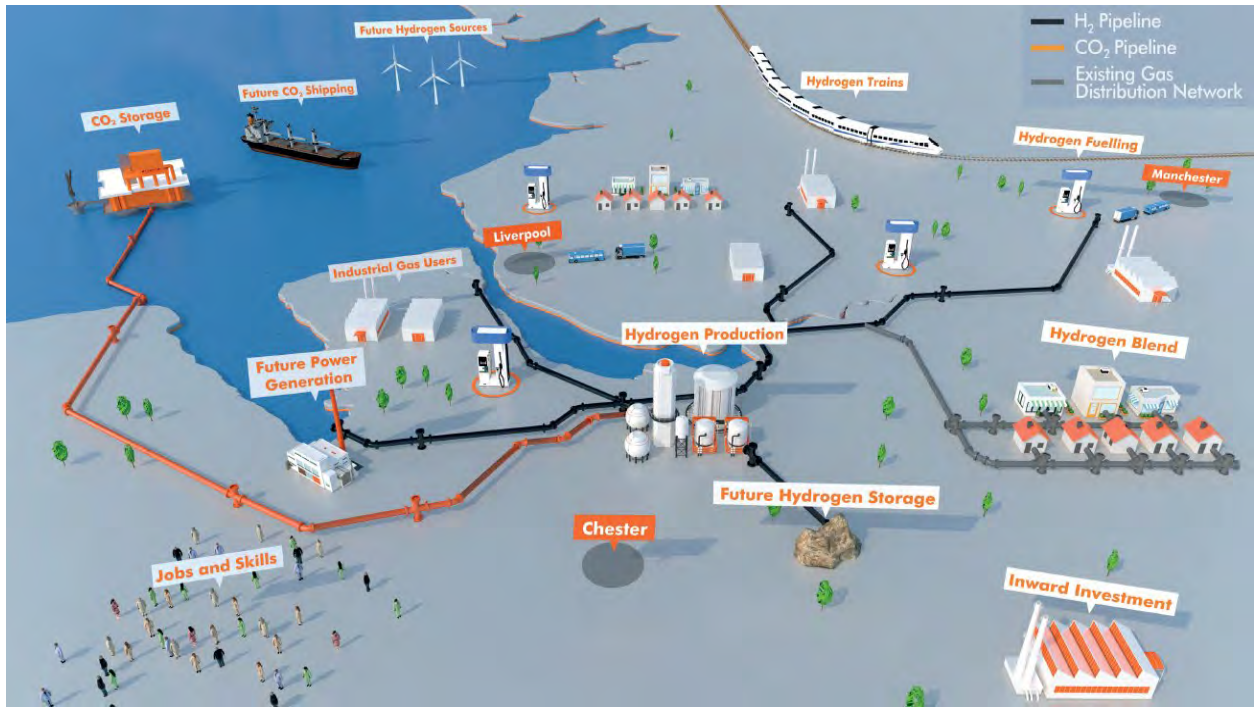


Figure 1 - HyNet North West project schematic

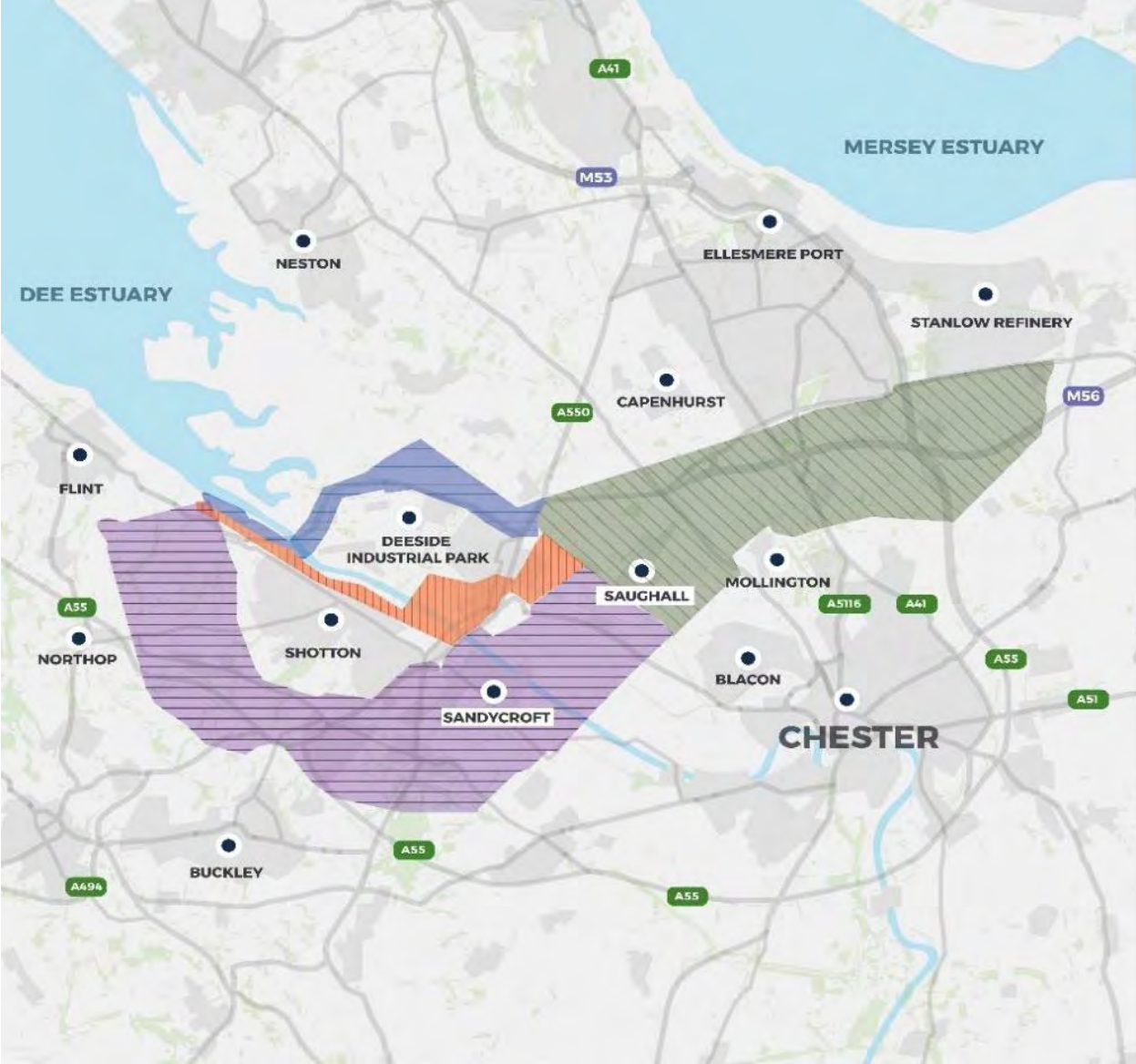
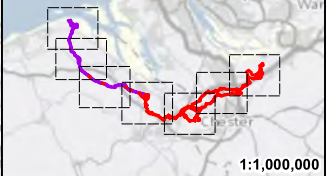


Figure 2 – Carbon Dioxide Pipeline Strategic Corridors



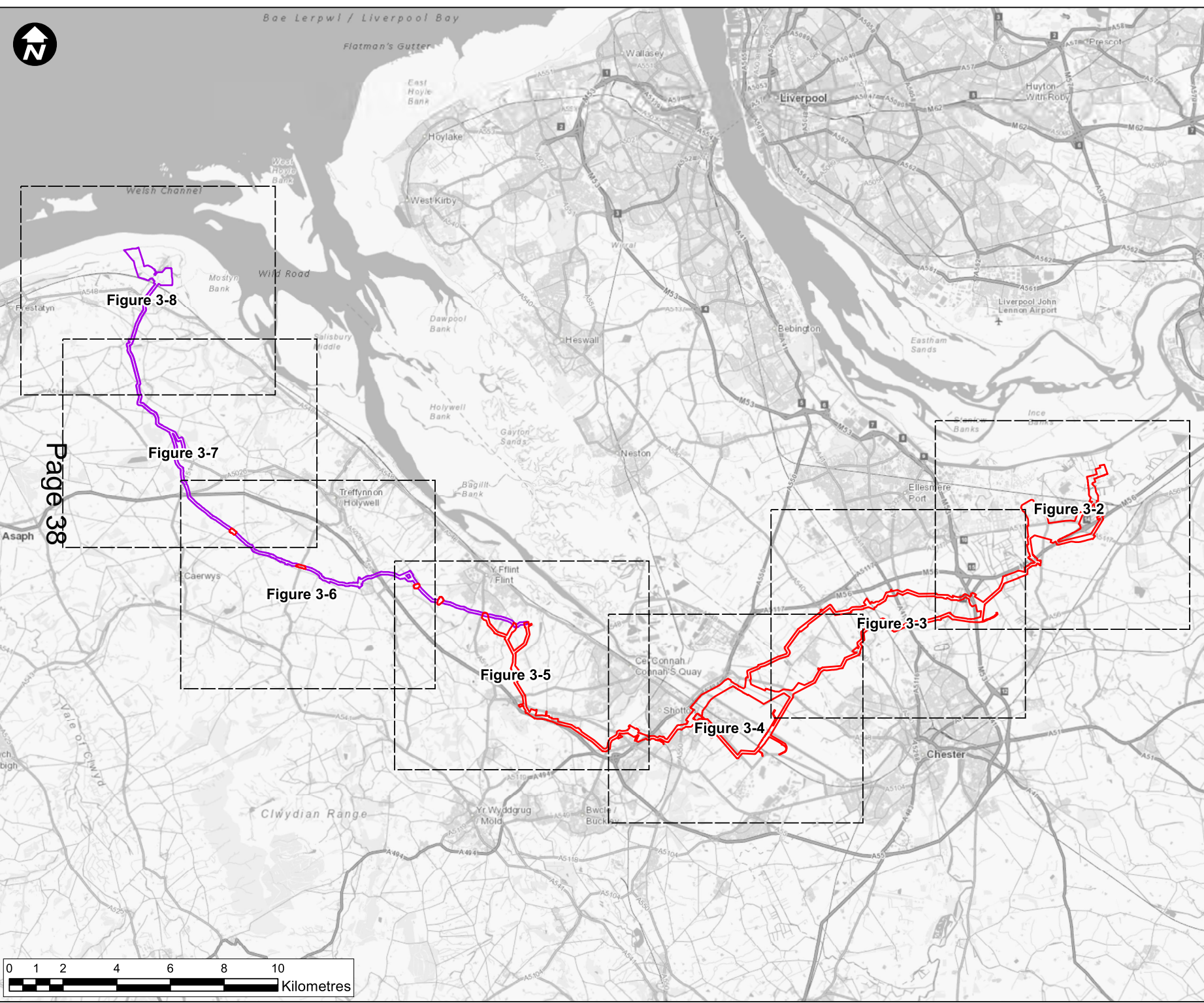
Figure 3 – Carbon Dioxide Pipeline Route Options



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Key:

- Existing Pipeline Scoping Boundary
- Newbuild Infrastructure Scoping Boundary



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HyNet North West

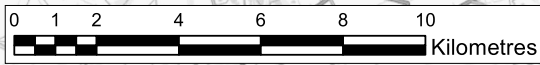
HyNet Carbon Dioxide Pipeline

Figure 3-1: Scoping Boundary - Key Plan

FOR INFORMATION

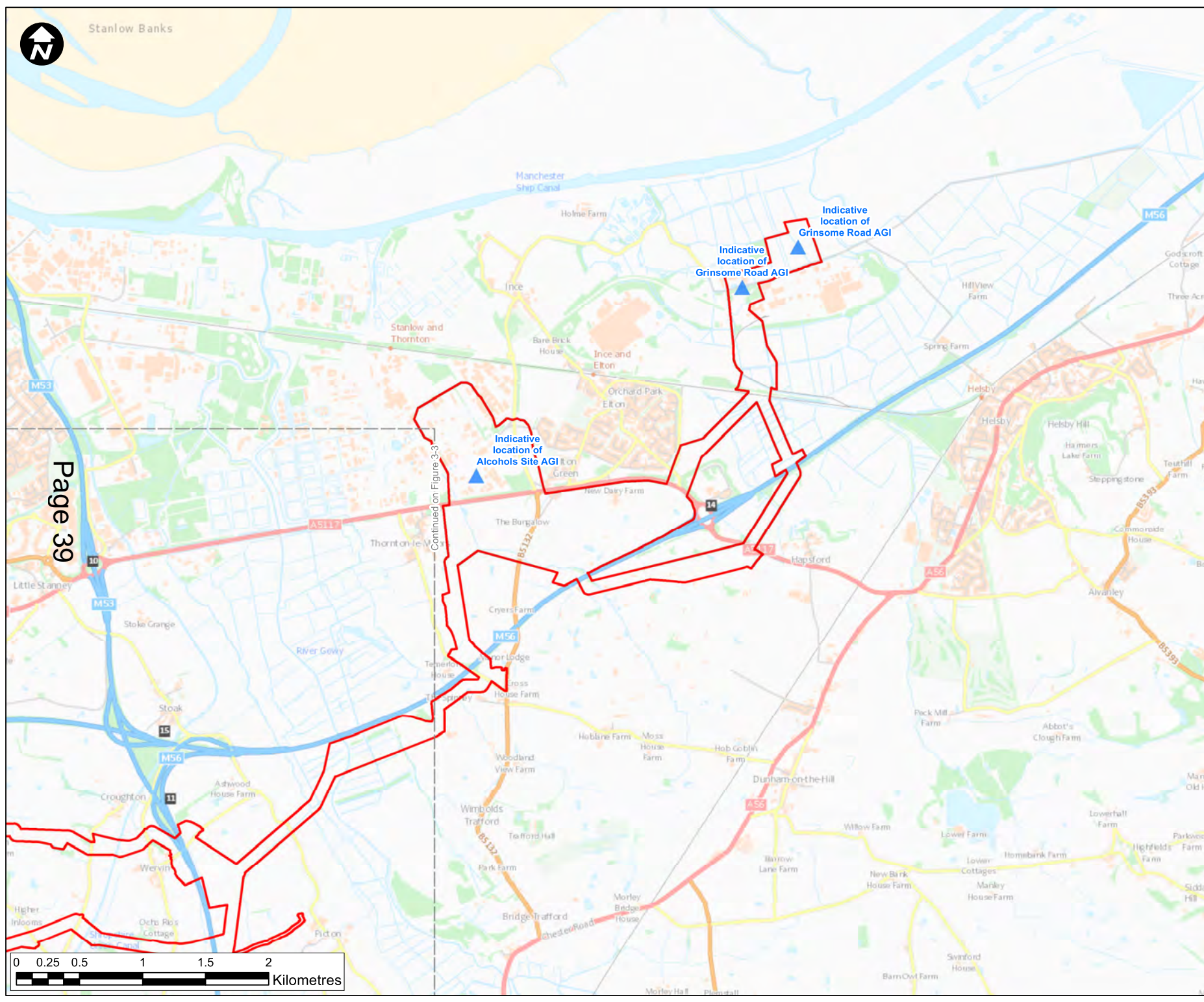
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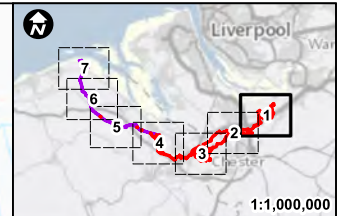
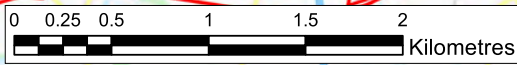




Stanlow Banks



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- Key:**
- Existing Pipeline Scoping Boundary
 - Newbuild Infrastructure Scoping Boundary
 - Above Ground Installation (AGI)
 - Block Valve Station (BVS)

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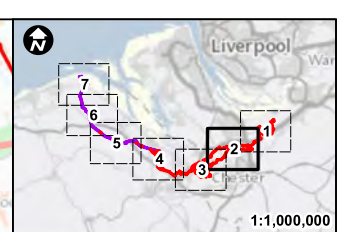
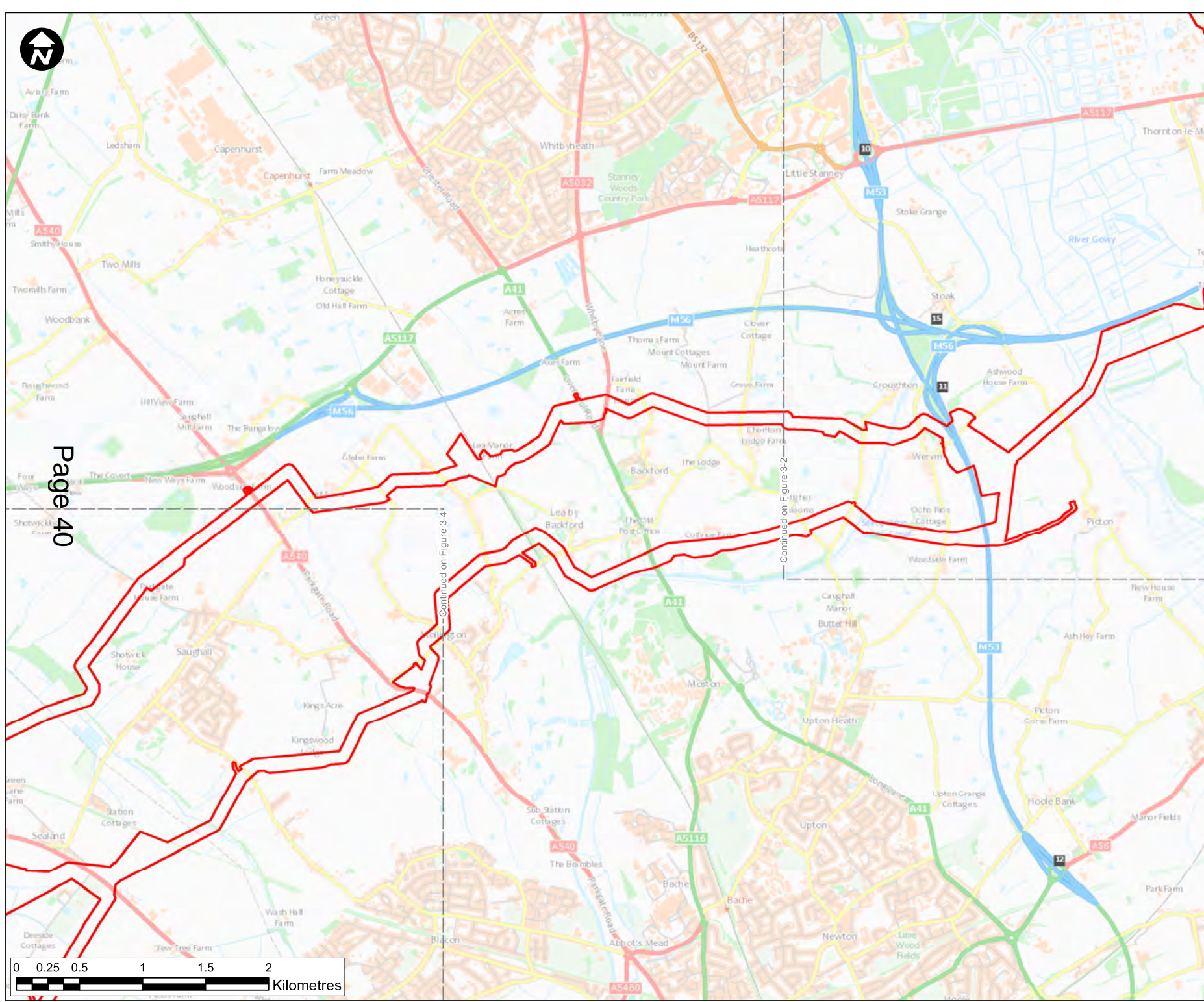
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HyNet Carbon Dioxide Pipeline

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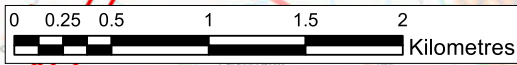


- Key:**
- Existing Pipeline Scoping Boundary
 - Newbuild Infrastructure Scoping Boundary
 - ▲ Above Ground Installation (AGI)
 - Block Valve Station (BVS)

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Continued on Figure 3-4

Continued on Figure 3-2



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HyNet North West

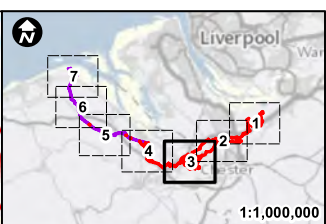
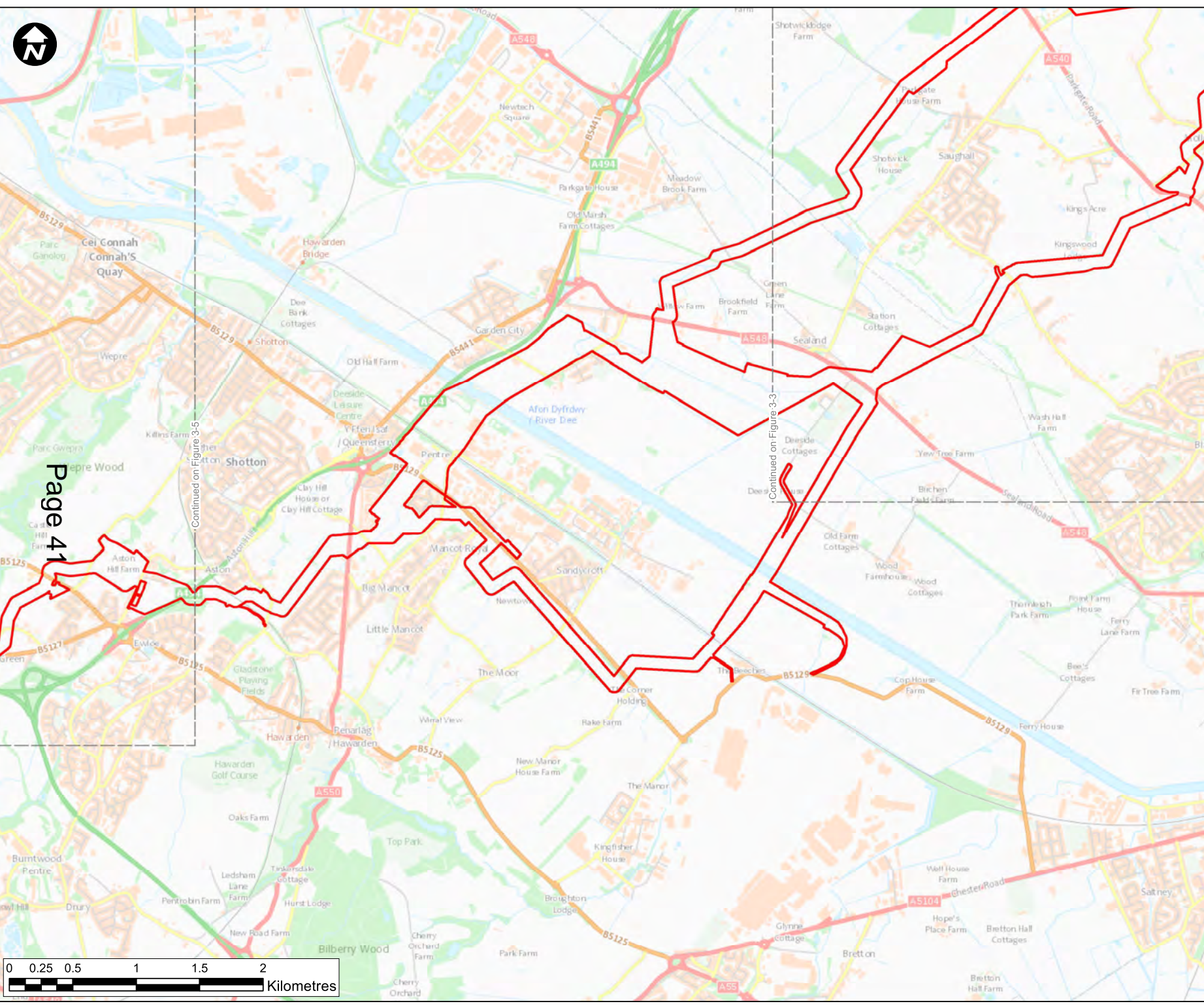
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HyNet Carbon Dioxide Pipeline

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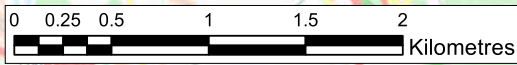
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 - Newbuild Infrastructure Scoping Boundary
 - ▲ Above Ground Installation (AGI)
 - Block Valve Station (BVS)

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HyNet North West

PROJECT TITLE
HyNet Carbon Dioxide Pipeline

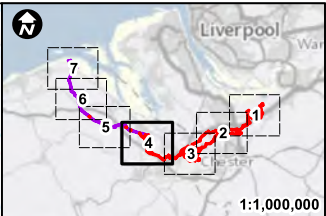
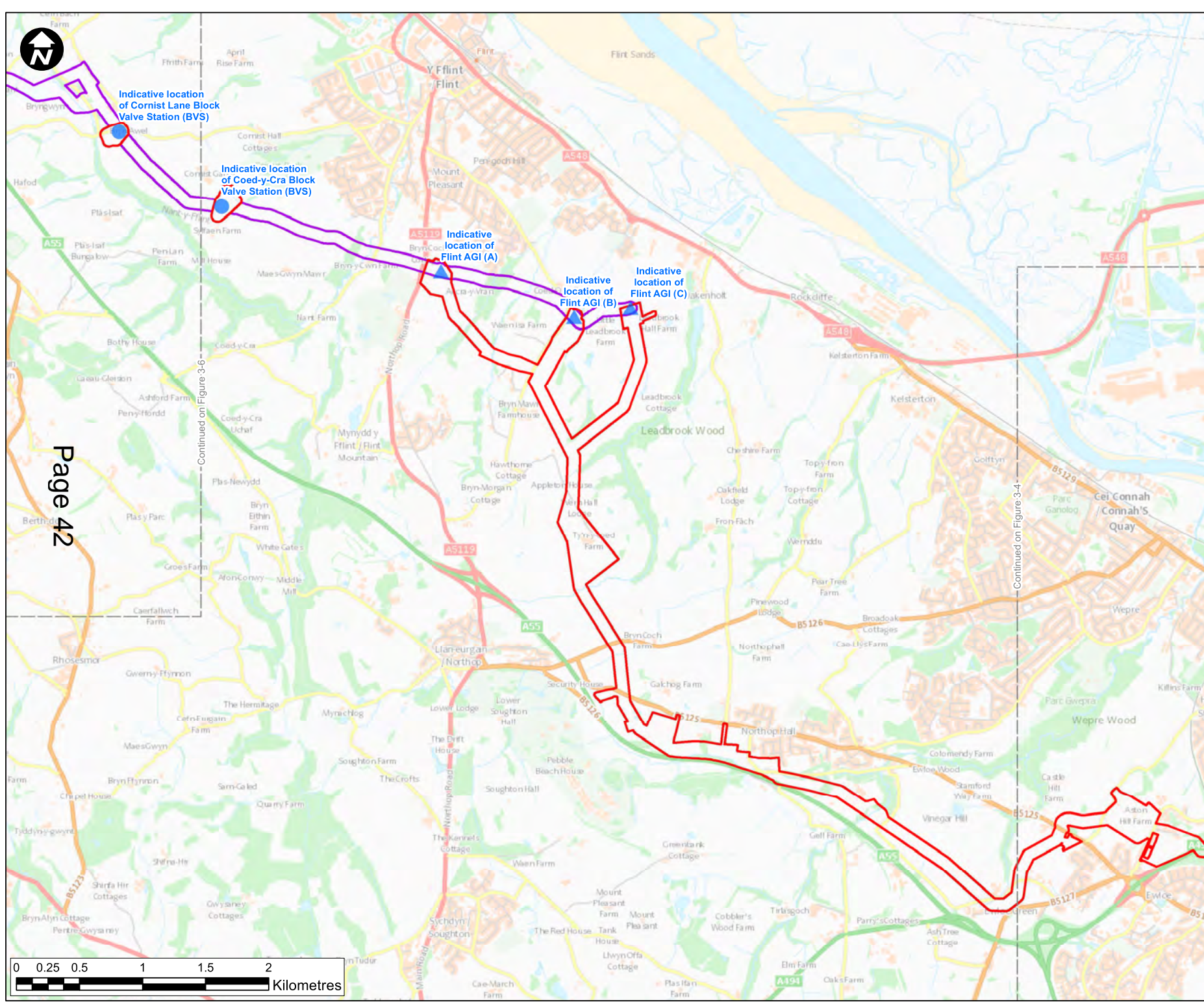
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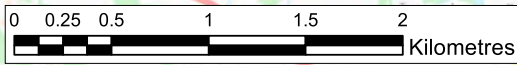
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- Key:**
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 - ▲ Above Ground Installation (AGI)
 - Block Valve Station (BVS)

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HyNet North West

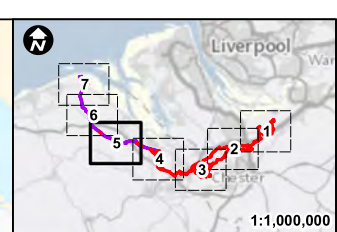
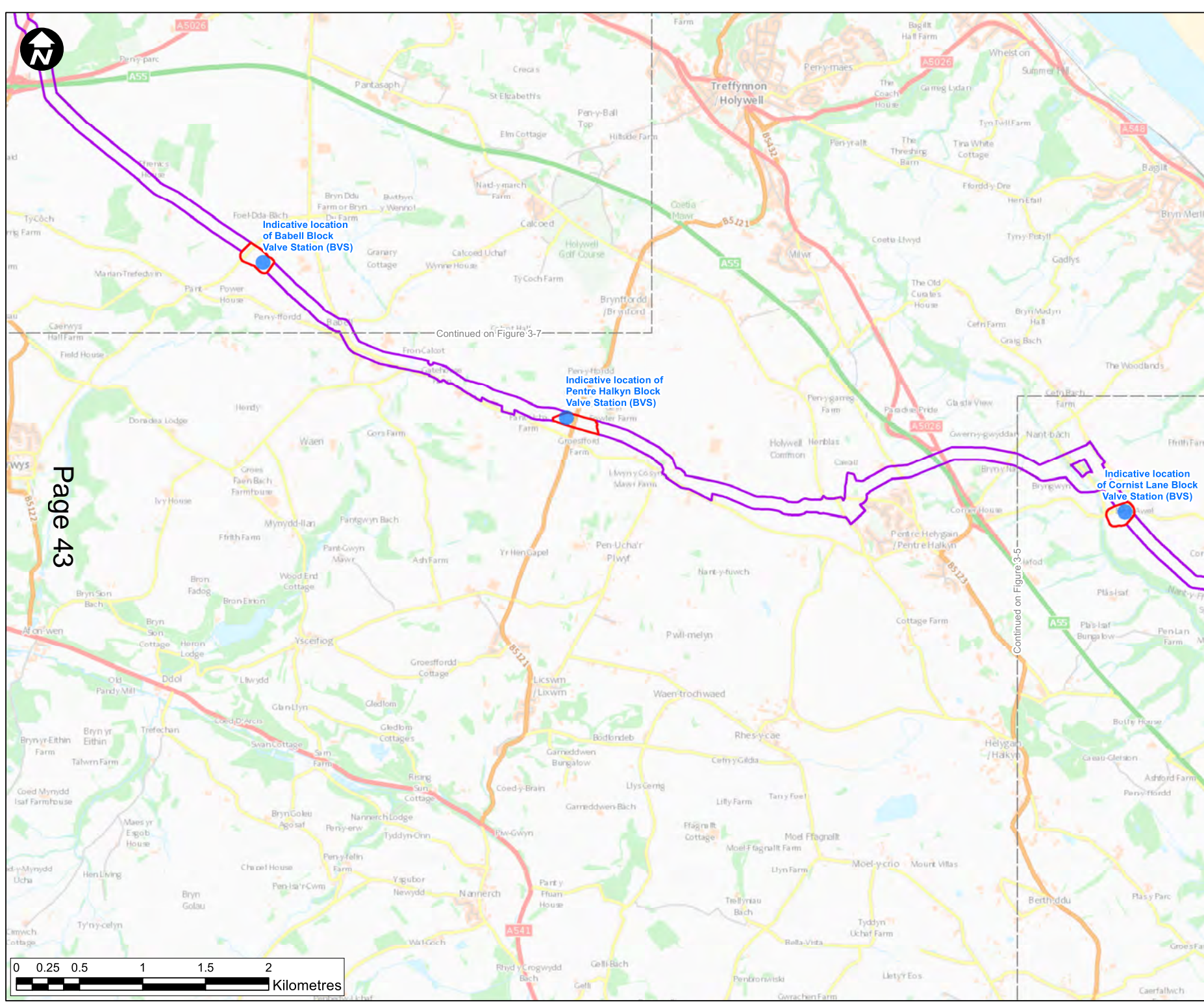
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HyNet Carbon Dioxide Pipeline

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Figure 3-5: Scoping Boundary - Sheet 4

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- Key:**
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 - Newbuild Infrastructure Scoping Boundary
 - ▲ Above Ground Installation (AGI)
 - Block Valve Station (BVS)

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HyNet North West

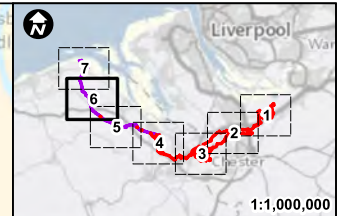
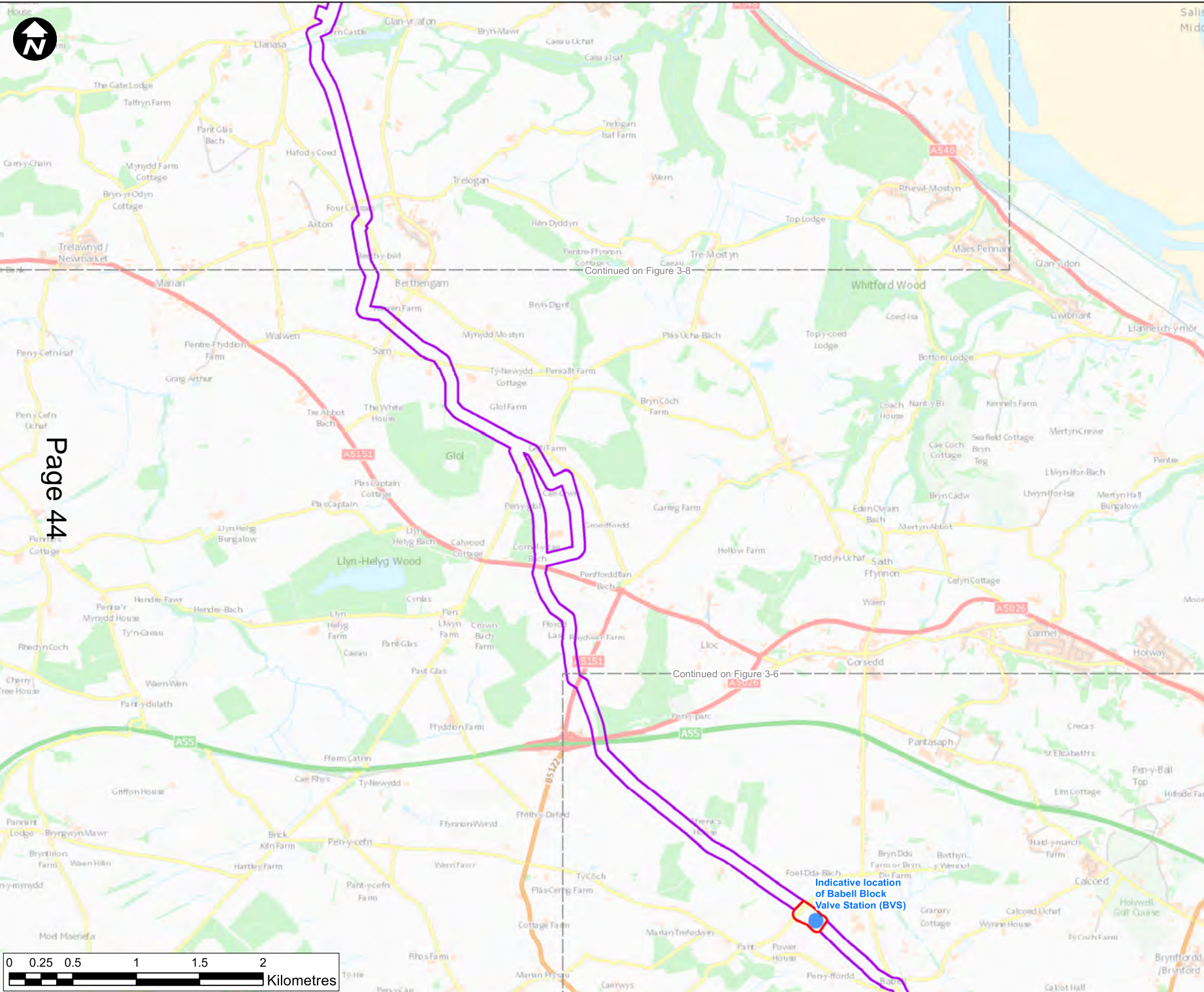
PROJECT TITLE HyNet Carbon Dioxide Pipeline

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- Key:**
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 - Newbuild Infrastructure Scoping Boundary
 - ▲ Above Ground Installation (AGI)
 - Block Valve Station (BVS)

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Continued on Figure 3-8

Continued on Figure 3-6

Indicative location of Babel Block Valve Station (BVS)

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HyNet North West

PROJECT TITLE
HyNet Carbon Dioxide Pipeline

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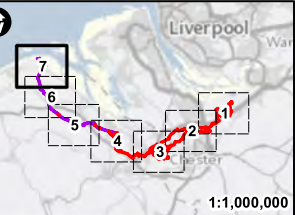
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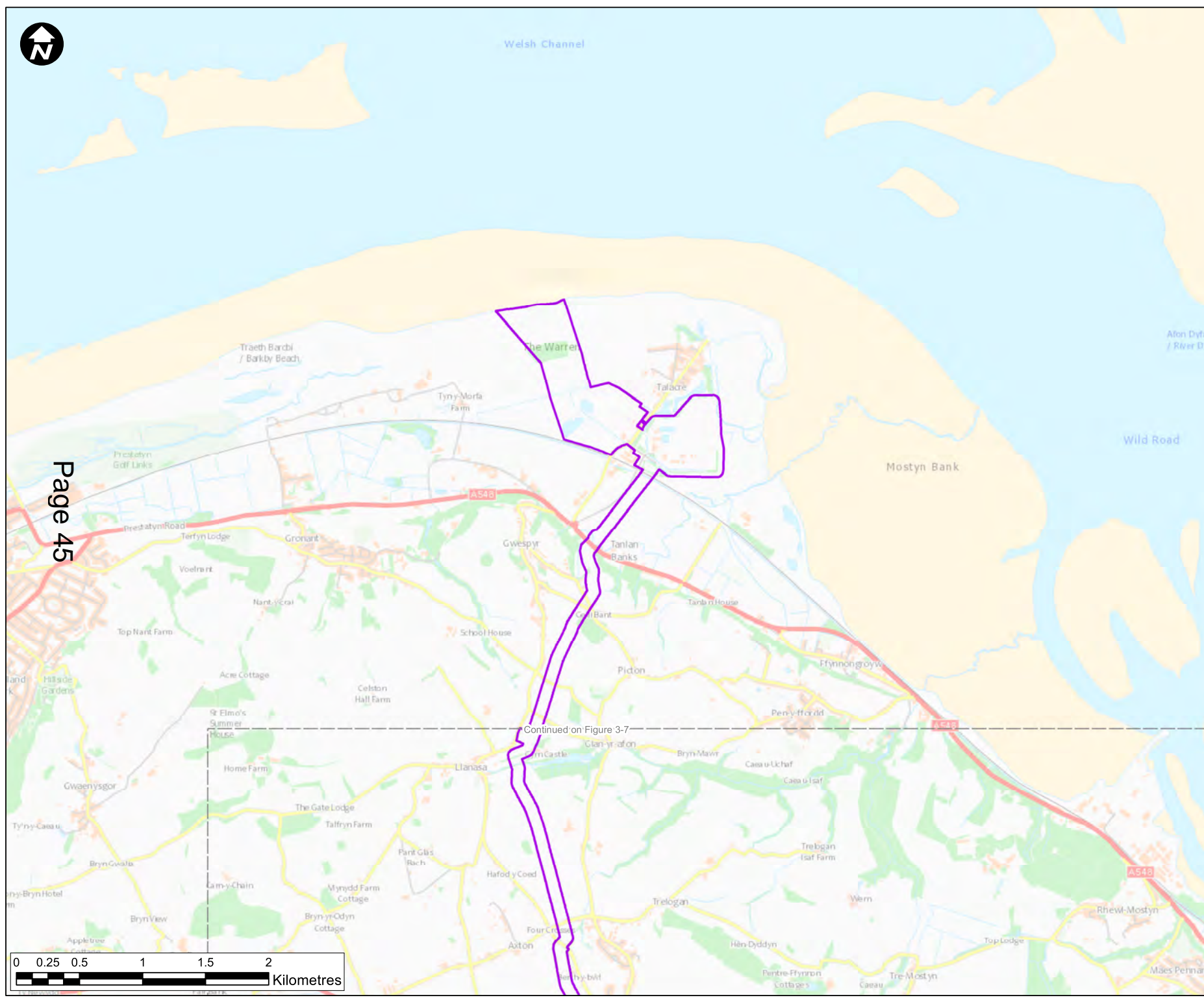
Welsh Channel



Key:

-  Existing Pipeline Scoping Boundary
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HyNet North West

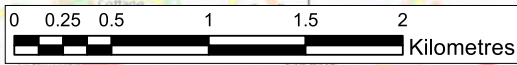
HyNet Carbon Dioxide Pipeline

Figure 3-8: Scoping Boundary - Sheet 7

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